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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,697	06/05/2002	Michael P. Ryan	AWDHI-PCTUS	4628

7590 10/28/2002
Albert W Davis Jr
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Glendale, AZ 85310

EXAMINER

WERNER, FRANK E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



5110/649697
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-8 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on 6-5-02 have been approved ~~are objected to~~ by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. Claims 1, ~~7~~⁸ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claim 1, improper alternate claiming is present regarding the plurality of refuse collection vehicles; also, with the various combinations claimed, it is not clear what inventive concept is being set forth and moreover, it is not understood how two "RVC's" can be used simultaneously; further, no body module structure (walls, floor, etc.), no hopper module structure (walls, floor, etc.), no tailgate module structure, no side loading structure, no rear loader structure and no refuse vehicle structure (frame, floor, wheels, etc.) have been set forth rendering the claim incomplete; lastly, no antecedent basis exists for "hopper module of a rear loader RCV" (lines 13 and 14), it is not understood how the body is emptied in the absence of packer and/or body tilt means & it is not understood how the body is attached to a chassis. Re claim 2, it is not understood how the length of the vehicle storage capacity can be structurally charged. Note that two "Claim 5's" are present and thus fail to comply with 37 CFR 1.126.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 4 & 5 (first occurrence) to ⁸ are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler (,959) in view of Zanzig et al (,185) or Winter (,716).

Schaffler discloses a chassis mounted front loader 76(78), detachable body module 54, hopper module 60 & tailgate module, but does not disclose a detachable side loader RCV which is disclosed by Zanzig et al (hopper module 57 & body module 211 in at least ^{Fig. 13} and side loader 27 in at least Fig. 6) and in view of the same, it would have been obvious to have substituted a side loader RCV in order to increase the versatility of the RCV as taught by Zanzig et al. Further, it would have been obvious to have alternately substituted a rear loader, if desired, as taught by Winter (loader 132, detachable body 14, etc.). Re claim 2, it would have been obvious to have conventionally varied the body module's length depending on the requirements of the RCV. Re claims 6 and 7, it would have been obvious to have conventionally mounted the rear loader (as claimed), if desired.

5. Claims 3 and 5 (second occurrence) are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler (,959) in view of Zanzig et al (,185) or Winter (,716) as applied to claims 1, 2, 4 and 5 (first occurrence) to 7 above, and further in view of Dempster et al (,305).

Dempster et al (22, 14, etc. and Fig. 2) teach and render obvious the mounting of the loader on the module.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. E. Werner whose telephone number is (703) 308-1140. The examiner can normally be reached on Wednesday to Friday from 5:30 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis, can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Summary:

Claims 1-7 are rejected.

Rejection – SSP 3 mos.

Werner/kl
October 10, 2002

Frank E. Werner
FRANK E. WERNER
PRIMARY EXAMINER 10/02
3652